

**STATE and LOCAL  
FISCAL IMPACT**

**Drafting Number:** LLS 13-0448  
**Prime Sponsor(s):** Sen. Kerr  
 Rep. Gardner

**Date:** January 25, 2013  
**Bill Status:** Senate Judiciary  
**Fiscal Analyst:** Clare Pramuk (303-866-2677)

**TITLE:** CONCERNING THE PROHIBITION AGAINST KNOWINGLY PERMITTING REMOVAL OF ALCOHOL BEVERAGES FROM AN ESTABLISHMENT LICENSED TO SELL ALCOHOL BEVERAGES FOR ON-PREMISES CONSUMPTION.

<b>Fiscal Impact Summary</b>	<b>FY 2013-2014</b>	<b>FY 2014-2015</b>
<b>State Revenue</b>	See State Revenue and Expenditures section.	
<b>State Expenditures</b>		
<b>FTE Position Change</b>		
<b>Effective Date:</b> Upon signature of the Governor, or upon becoming law without his signature.		
<b>Appropriation Summary for FY 2013-2014:</b> None required.		
<b>Local Government Impact:</b> See Local Government Impact section.		

**Summary of Legislation**

Under current law, retail gaming taverns that post signs or personnel by each exit prohibiting the removal of alcoholic beverages are exempt from prosecution under the Colorado Liquor Code when an alcoholic beverage is removed from the premises. In this situation, the customer who removes the beverage is subject to a \$250 fine. This bill extends this exemption from prosecution to all establishments licensed to sell alcoholic beverages for on-premises consumption provided they station personnel at each exist to prevent removal of an alcoholic beverage or post a sign at each exit warning customers that it is illegal to leave the premises with an alcoholic beverage and that they are subject to a \$250 fine. Relative to current law, the size of the sign is reduced from twelve inches wide by eighteen inches high to at least ten inches wide by six inches high.

**State Revenue and Expenditures**

Violations for removal of alcoholic beverages are rarely identified by state liquor enforcement authorities for businesses licensed for on-premises consumption of alcohol. As such, the bill will not have a significant impact on fines collected or workload for the Liquor and Tobacco Enforcement Division in the Department of Revenue.

**Local Government Impact**

Application of the exemption from prosecution to all on-premises retail liquor licenses may reduce the enforcement caseload for local liquor licensing authorities. At the same time, fines for removal of alcoholic beverages may be assessed by local law enforcement, and the fiscal note assumes that open container violations will increase. The amount of violations will depend on the amount of alcohol control efforts in the jurisdiction and the behavior of consumers. This is not expected to require additional liquor control, law enforcement, or municipal court personnel at the local level.

**Departments Contacted**

Judicial

Revenue

Counties

Municipalities